

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DANIEL LAMAR HATCHER, Reg.)	
No. 12754-002,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:20-CV-268-WKW
)	[WO]
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The Magistrate Judge has entered a Recommendation that Petitioner Daniel Lamar Hatcher’s 28 U.S.C. § 2241 motion be dismissed without prejudice for lack of jurisdiction and that the interest of justice does not warrant a 28 U.S.C. § 1631 transfer of this case to the United States District Court for the Southern District of Mississippi. (Doc. # 4.) Petitioner has filed objections. (Doc. # 7.) Based upon an independent and *de novo* review of the Recommendation, *see* 28 U.S.C. § 636(b), the court finds that the Recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly, it is ORDERED as follows:

- (1) Petitioner’s Objections (Doc. # 7) are OVERRULED;
- (2) The Recommendation (Doc. # 4) is ADOPTED; and
- (3) Petitioner’s 28 U.S.C. § 2241 motion is DISMISSED without prejudice.

Final judgment will be entered separately.

A certificate of appealability will not be issued. For a petitioner to obtain a certificate of appealability, he must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This showing requires that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citation and internal quotation marks omitted). And, where a petition is denied on procedural grounds, he “must show not only that one or more of the claims he has raised presents a substantial constitutional issue, but also that there is a substantial issue about the correctness of the procedural ground on which the petition was denied.” *Gordon v. Sec’y, Dep’t of Corrs.*, 479 F.3d 1299, 1300 (11th Cir. 2007) (citations omitted). “A ‘substantial question’ about the procedural ruling means that the correctness of it under the law as it now stands is debatable among jurists of reason.” *Id.*

Because reasonable jurists would not find the denial of Petitioner’s § 2241 motion debatable, a certificate of appealability is DENIED.

DONE this 16th day of June, 2020.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE